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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,711	12/04/2003	Kou Takatori	19546.0047	7039

23517 7590 10/04/2005

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EXAMINER

MOONEY, MICHAEL P

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/726,711

Applicant(s)

TAKATORI, KOU

Examiner

Michael P. Mooney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6 and 18 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/8/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-6, 18 in the reply filed on 6/18/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3/17
9-30-05

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (6898341).

Huang et al. teaches an optical crossconnect device comprising: an optical switch circuit (e.g., fig. 4; col. 11 lines 5-20), and a supplying means (68a, 68e) for supplying a signal of monitoring (col. 11 lines 5-20) the optical switch circuit to the optical switch circuit in unit of wavelength, wavelength group or optical fiber if an optical level of the optical signal in unit of wavelength, wavelength group or optical fiber

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supplied to an optical transmission signal input portion of the optical crossconnect device is the predetermined level or less (e.g., fig. 4; col. 11 lines 5-20).

Thus claim 1 is met.

Allowable Subject Matter

Claims 2-6, 18 are allowed.

The prior art, either alone or in combination, does not disclose or render obvious an optical crossconnect device comprising: an optical switch circuit, an *input optical level monitoring means for monitoring an optical level of an optical signal supplied an optical transmission signal to input portion of the optical crossconnect device*, a monitoring signal generating means for generating a monitoring signal for monitoring the optical switch circuit, an input optical signal selecting means for providing between the optical transmission signal input portion and the optical switch circuit, to select the monitoring signal generated by the monitoring signal generating means or the optical signal supplied to the optical transmission signal input portion in order to supply the selected signal to the optical switch circuit, and an *input optical signal controlling means for controlling the input optical signal selecting means based on an output of the input optical level monitoring means* as stated in claim 2.

It is noted that the claim 2 is allowable because the unique combination of each and every specific element stated in the claim.

The prior art, either alone or in combination, does not disclose or render obvious a monitoring method of the optical crossconnect device including an optical switch circuit comprising, supplying a monitoring signal for monitoring the optical switch circuit

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to the optical switch circuit in unit of wavelength, wavelength group or optical fiber when an optical level of the optical signal in unit of wavelength, wavelength group or optical fiber *supplied to the optical transmission signal input portion of the optical crossconnect device is the predetermined level or less* as stated in claim 18.


It is noted that the claim 18 is allowable because the unique combination of each and every specific element stated in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.


Michael P. Mooney
Examiner
Art Unit 2883

Frank G. Font
Supervisory Patent Examiner
Art Unit 2883

FGF/mpm
9/26/05